

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Saul VARGAS-Perez and
Leobardo LORA-Cedano,

Defendant(s)

Magistrate Case No. **08MJ0880** 08 MAR 27 AM 8:35

AMENDED

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) and (v)(II) ^{DEPUTY}
Transportation of Illegal Aliens
and Aiding and Abetting

The undersigned complainant, being duly sworn, states:

On or about **March 18, 2008**, within the Southern District of California, defendant **Saul VARGAS-Perez** and **Leobardo LORA-Cedano**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Margarito CRUZ-Lozano**, **Karol ALVARADO-Valencia**, and **Carlos CRUZ-Lozano** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and (v)(II).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Alexis M. Carroll

SIGNATURE OF COMPLAINANT

Alexis Carroll

Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF MARCH 2008

William McCurine, Jr.

William McCurine, Jr.

UNITED STATES MAGISTRATE JUDGE

Saul VARGAS-Perez
Leobardo LORA-Cedano

AMENDED PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Margarito CRUZ-Lozano, Karol ALVARADO-Valencia, and Carlos CRUZ-Lozano** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 18, 2008, Supervisory Border Patrol Agent B. Spence and Border Patrol Agents M. Bouchard, C. Wiggins, D. Gonzalez and C. Solorio were conducting traffic check operations at the eastbound Interstate 8 Border Patrol Checkpoint near Jacumba, California. All agents were in full Border Patrol uniforms and the checkpoint was fully operational.

At approximately 5:30 A.M., a grey Dodge 1500 Ram pick-up truck approached the primary inspection area. Agent Wiggins, who was in the primary inspection position, observed the pick-up slowly approach him then sped away accelerating quickly. Agent Gonzalez, who was in the secondary inspection position, also witnessed this. Both agents shouted at the driver of the vehicle to stop but the pick-up failed to yield. Neither agent was able to identify the driver. The Dodge fled from the checkpoint at a high rate of speed and continued eastbound on I-8 towards El Centro, California. Agent Spence immediately departed the checkpoint in a marked Border Patrol pursuit sedan in an attempt to pursue the vehicle.

Agent Spence advised Border Patrol agents in El Centro, California and continued east on I-8 through an area commonly referred to as "The Grade." This stretch of I-8, approximately ten miles, is notoriously dangerous at all times of the year; it is bounded on both the north and south sides by steep, rocky terrain to include high cliffs and deep, rocky canyons and ravines. In several areas there are sharp turns, narrow shoulders and areas with little or no guard railing.

At approximately 5:35 A.M., Border Patrol Agent M. Reina of the El Centro Border Patrol Station was performing assigned duties on Mountain Springs Road. Agent Reina was on foot when he heard what sounded like tires squealing near his location. Agent Reina responded to the area and observed a Dodge pick-up had crashed into a ditch with approximately ten people running away from the wreckage. Agent Reina ran towards the pick-up and encountered several people, some of them still in the pick-up and clearly injured. Agent Reina relayed this information to other agents in the area and requested assistance.

Agent Reina identified himself as a Border Patrol Agent and inquired as to the citizenship and nationality of each subject. Each individual freely and willingly stated that they were citizens and nationals of Mexico, in the United States illegally and without being in possession of any immigration documents that would allow them to enter or remain here legally.

Border Patrol Agent J. Morales and Supervisory Border Patrol Agent M. Nix arrived on scene shortly afterwards and assisted Agent Reina. By the time Agent Spence arrived at the scene, the three El Centro agents had apprehended seven individuals whom they had found inside the crashed Dodge pick-up or in the immediate area. Agent Spence confirmed that this was the Dodge pick-up that had fled the checkpoint earlier. As of 6:35 A.M., there were seven illegal aliens in custody. Five individuals were transported to various hospitals due to the extent of their injuries.

CONTINUATION OF AMENDED COMPLAINT:**Saul VARGAS-Perez****Leobardo LORA-Cedano**

At approximately 4:20 P.M., El Centro Border Patrol Agent Juan Munoz apprehended two additional illegal aliens walking near I-8 on the grade close to the crash site. The two individuals identified as the defendants **Saul VARGAS-Perez**, and **Leobardo LORA-Cedano**. Both admitted to being citizens and nationals of Mexico illegally present in the United States. VARGAS-Perez appeared to be injured with blood on his clothes and a large, fresh cut on his chin. Agent Munoz asked him how he had been injured, to which the defendant explained that he had fallen while crossing the border. Defendant LORA soon after informed Agent Munoz that the information VARGAS-Perez provided was false; they had been in a vehicle that had crashed and the defendant was the driver. The defendants were placed under arrest and transported to the El Centro Border Patrol Station for processing. El Centro agents contacted the Boulevard Station and subsequently turned these individuals over to be processed as part of the case involving the crash of the Dodge pick-up truck. The defendant and LORA arrived at the Boulevard Station at approximately 10:00 P.M.

During the initial investigation, Border Patrol Agents interviewed Defendant Leobardo LORA-Cedano as part of an effort to determine the facts underlying the incident. Defendant LORA stated that he is a citizen and national of Mexico without any immigration documents to enter or remain in the United States legally.

Defendant LORA said that while living in Tijuana, Baja California Mexico he met with a person who offered him a job as a smuggler. LORA said that on March 17, 2008 he was at a house where all the smugglers met. At approximately 2:00 A.M., LORA jumped in the passenger seat of a gray Dodge Ram pickup truck with the intention of going to pick up a group of undocumented aliens near a casino. LORA said that the reason he participated was to become familiar with the area because this was the area that he was going to smuggle undocumented aliens in the near future.

LORA said that the defendant VARGAS-Perez received a phone call and the driver was told that the Border Patrol Checkpoint was down. Approximately 40 minutes later, they arrived at the Border Patrol Checkpoint and discovered that the Checkpoint was in full operation. As they got close to the Border Patrol Agent performing the immigration inspection, LORA said to defendant VARGAS-Perez in the Spanish language, "Ya nos agarraron" which translates in English to, "They got us". When the truck approached the primary inspection area, defendant VARGAS-Perez accelerated and did not obey the Agent's command to stop the vehicle.

Defendant LORA said that he was afraid because defendant VARGAS-Perez was driving recklessly especially around the tight curves. LORA told VARGAS-Perez to stop the truck and VARGAS-Perez said no and that he was going to stop somewhere else. LORA said that VARGAS-Perez exited the Interstate and lost control of the truck and crashed. LORA said that VARGAS-Perez told him to get off the truck and run without helping anyone. LORA said that he hid in a brush near the crash site. A few hours later he met up again with VARGAS-Perez near the Interstate. LORA said that they both were hiding for a few hours until they decided to walk along the Interstate hoping that the Border Patrol would find them.

LORA was presented a total of 12 Polaroid pictures of nine individuals numbered from one to nine. LORA identified photograph number "9" as the driver of the Dodge Ram. Photograph number 9 depicts defendant VARGAS.

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CONTINUATION OF AMENDED COMPLAINT:**Saul VARGAS-Perez****Leobardo LORA-Cedano****MATERIAL WITNESS STATEMENT:**

Material Witnesses **Margarito CRUZ-Lozano**, and **Karol ALVARADO-Valencia**, stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. Both material witnesses stated that they were to pay \$2,500.00 U.S. dollars to be smuggled into the United States to Los Angeles, California. The material witnesses stated that foot guides led them across the border to an unknown location to wait for a vehicle. They stated that the foot guide told them to get into the Dodge truck when it arrived.

Margarito Cruz-Lozano also stated that he traveled across the border with his brother **Carlos CRUZ-Lozano**. Carlos CRUZ-Lozano was injured in the crash and was taken to a hospital for treatment. Because **Carlos CRUZ-Lozano** was seated in a location within the van where he could observed the driver, the agents retained him as a Material Witness.



SIGNATURE OF COMPLAINANT

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Border Patrol Agent

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